

ORDINANCE NO. 2182

AN ORDINANCE OF THE BURGESS AND TOWN COUNCIL OF THE BOROUGH OF POTTSTOWN AMENDING VARIOUS PROVISIONS WITHIN THE BOROUGH'S MASTER TRAFFIC ORDINANCE, CHAPTER 15, "MOTOR VEHICLES AND TRAFFIC," OF THE CODE OF ORDINANCES OF THE BOROUGH OF POTTSTOWN, AS AMENDED, IN ORDER TO ESTABLISH DIGITALLY METERED OFF-STREET AND ON-STREET PARKING, AND TO ELIMINATE SPACE REGISTRATION BOXES.

NOW, THEREFORE, BE IT AND IT IS HEREBY ENACTED AND ORDAINED by the Burgess and Town Council of the Borough of Pottstown, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

**SECTION 1.** Section 405, Parking Time Limited in Certain Locations, Certain Days and Hours, of Part 4, General Regulations, of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to delete the following:

High Street	Both	Manatawny Street to Bailey Street	9:00 a.m. to 6:00 p.m., Monday through Saturday, and 6:00pm through 9:00pm on Fridays (3-hour limit)
High Street	North	From a point 98 feet west of right-of-way line of Madison Street to a point 269 feet west of right-of-way line of Madison Street	8:00 a.m. through 5:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday (20-minute limit)
High Street	South	Bailey Street and a point 200 feet west of Madison Street	9:00 a.m. to 6:00 p.m., Monday through Saturday, and 6:00pm through 9:00pm on Fridays (3-hour limit)
High Street	South	From a point 58 feet west of Madison Street to a point 200 feet west of Madison Street	8:00 a.m. through 5:00 p.m., Monday through Friday, and 9:00 a.m. to 2:00 p.m. on Saturday (20-minute limit)

King Street	Both	From Manatawny Street to Franklin Street	9:00 a.m. to 6:00 p.m., Monday through Saturday, and 6:00 p.m. through 9:00 p.m. on Fridays (3-hour limit)
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**SECTION 2.** Section 406.2, Special Restricted Parking Zones Established, of Part 4, General Regulations, of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to delete Security Plaza parking lot (east) and Security Plaza parking lot (north side) which are to be replaced with the following:

<b>Location</b>	<b>Authorized Parking Purpose</b>	<b>Days and Hours</b>
Smith Family Plaza	Restricted for 100 High Street business only (permit required)  Parking spaces adjacent to the western and southern perimeter of the park	6:00am to 5:00pm, Monday through Friday

**SECTION 3.** Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby amended to create Part 5, On-Street Metered Parking, as follows:

§ 501. **On-Street Digitally Metered Parking Established.** Digitally metered parking zones are hereby established on the following portions of the streets of Pottstown:

<b>Street</b>	<b>Location</b>
High Street	Both sides between Manatawny Street and Madison Street
King Street	Both sides between Manatawny Street and Franklin Street

§ 502. **Parking in Metered Parking Zones.**

A. Parking shall be permitted 24 hours a day, but metered parking shall be in effect between the hours of 6:00am and 2:00am each day.

- B. Parking on the north side of High Street between a point 98 feet west of right-of-way line of Madison Street to a point 269 feet west of right-of-way line of Madison Street and also parking on the south side of High Street between a point 58 feet west of Madison Street to a point 200 feet west of Madison Street shall be limited to a maximum of 20 consecutive minutes per space per vehicle. All other parking within the metered parking zones shall be limited to a maximum of 3 consecutive hours per space per vehicle.

§ 503.

**Digital Payment in Metered Parking Zones.**

- A. Parking rates shall be established and amended from time to time by resolution of Council.
- B. Digital payments for parking shall be made via an application or by telephone to ParkMobile. Sufficient signs shall be posted indicating the availability of ParkMobile and provide basics instructions on how to access ParkMobile's services. For each zone, there shall be a clear indication through use of signs and a directional arrow to communicate the zone registration requirement for the ParkMobile service. The ParkMobile service shall indicate by a proper legend the parking rate and the maximum parking time established within this Part, and, when the parking space is occupied, permit payment by credit card or other digital service, and then provide by email or other form such as text message a printed receipt, the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or overparking.
- C. Upon parking in a space, a driver shall immediately register with ParkMobile, and then, if required, make payment either via application or telephone by means of ParkMobile's interface.
- D. Upon registration and payment, the parking space may be lawfully occupied by the vehicle for the time indicated on the receipt.
- E. It shall be a violation of this Part to allow any vehicle to remain in a parking space in excess of the time purchased consistent herewith or to remain parked when no payment was made, if required by this Part. Every sixty minutes that a vehicle remains parked in violation hereof shall constitute a separate violation of this Part.

§ 504.

**Ticketing of Vehicles Parked Unlawfully; Penalty for Violation.**

- A. It shall be the duty of the police officers, their duly authorized agents, and expressly designated parking enforcement personnel of the Borough, acting in accordance with the direction of the Chief of Police, to report:
  - (1) The zone which corresponds to the metered space in a vehicle is parked, or has been parked, in violation of any provision of this Part.

- (2) The date and hour of the violation.
  - (3) The license number of the vehicle.
  - (4) Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- B. Every such police officer, their duly authorized agents, and expressly authorized parking enforcement personnel/designees of the Borough, shall place upon such vehicle a notice to the owner or operator thereof that such vehicle was parked in violation of the provisions of this Part and instructing such owner or operator that if he or she shall report to the police headquarters of the Borough of Pottstown and pay, for the use of the Borough, the sum of \$20 within 20 days after the time of such notice, the same shall save the violator from prosecution. The failure of such owner or operator to make said payment within 20 days, as herein provided, shall then render the owner or operator subject to the penalties hereinafter provided in § 504(c) for violation of the provisions of this Part.
- C. Any person who violates any provision of this Part, and who fails to pay the fine set forth in § 504(B), shall be cited within 20 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$20 and costs of prosecution and, in default of said fine and costs, to undergo imprisonment for not more than five days.

§ 505 **Special Authority of the Mayor.** The provisions of this Part may be temporarily suspended by the Mayor, and when suspended, the Mayor may temporarily prescribe rules and regulations as traffic conditions may require.

**SECTION 4.** Part 6, Off-Street Kiosk, Space Registration or Permit Parking, of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, is hereby repealed in its entirety and replaced with the following new Part 6, Off-Street Metered and Permit Parking:

**Part 1. Digitally and Kiosk Metered Off-Street Parking Lots**

§ 601. **Digital and Kiosk Metered Parking Lots Established**

- A. Digitally and Kiosk Metered Parking Lots. The following are established as metered parking lots payable digitally or via kiosks:

<b>Lot</b>	<b>Location</b>
Park & Shop Lot	South side of High Street and west side of Charlotte Street, north of Queen Street
Reading Lot	West side of Hanover Street between the Reading Railroad tracks and South Street.

- B. Digitally Metered Parking Lots. The following are established as metered parking lots payable digitally only:

<b>Lot</b>	<b>Location</b>
Evans (west)	Situate on the west side of Evan Street between High Street and King Street
King Street Lot	South side of King Street between Evans Street and Charlotte Street
Trinity Lot	North side of King Street at 219-221
Smith Family Plaza, between Friday at 6:00pm and Saturday at 2:00am, and Saturday at 6:00am and Sunday at 2:00am	Parking spaces adjacent to the western and southern perimeter of the park

§ 602. **Kiosks Payments, Generally.**

- A. A kiosk installed in the parking lots shall be placed in a prominent and convenient location visible and accessible to the individual parking spaces that shall be marked off and maintained in the lots. Sufficient signs shall be posted indicating the direction in which the kiosk is located. For each zone, there shall be a clear indication through use of signs and a directional arrow to communicate the zone registration requirement for the kiosk. Each kiosk shall indicate by a proper legend the parking rate and the maximum parking time established within this Part, and, when the parking space is occupied and the kiosk put into operation by the insertion of one or more coins, the kiosk shall indicate, by way of a printed receipt, the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or overparking.
- B. It shall be unlawful for any person to deposit in any kiosk installed under the provisions of this Article any slug or other substitute for a coin of the United States of America.

- C. It shall be unlawful, and a violation of this Part, for any person to deface, tamper with, open or willfully break, destroy or impair the usefulness of any kiosk installed under the provisions of this Part, provided that nothing in this section shall apply to the servicing or opening of kiosks by officers, employees or police officers of the Borough under the direction of the designated official or Borough Council. Any person who violates this provision shall, upon conviction, be sentenced to pay a fine of not more than \$600 and costs, and, in default of payment of fine and costs, to imprisonment for not more than 30 days.
- D. If a kiosk is inoperable for any reason, payment pursuant to this Article shall be required digitally.

§ 603. **Digital Payments, Generally.** Digital payments for parking shall be made via an application or by telephone to ParkMobile. Sufficient signs shall be posted indicating the availability of ParkMobile and provide basics instructions on how to access ParkMobile's services. For each zone, there shall be a clear indication through use of signs and a directional arrow to communicate the zone registration requirement for the ParkMobile service. The ParkMobile service shall indicate by a proper legend the parking rate and the maximum parking time established within this Part, and, when the parking space is occupied, permit payment by credit card or other digital service, and then provide by email or other form such as text message a printed receipt, the duration of legal parking, and, upon the expiration of that period, shall indicate illegal parking or overparking.

§ 604. **Parking in Digitally and Kiosk Metered Parking Lots.**

- A. Except for New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, upon parking in a space, a driver shall immediately deposit, or cause to be deposited, in the kiosk one or more proper coins of the United States of America as specified in the legend on the kiosk, or register with ParkMobile and then make payment either via smart phone or telephone by means of ParkMobile's interface.
- B. Upon payment or registration and payment, the parking space may be lawfully occupied by the vehicle for the time indicated on the receipt.
- C. It shall be a violation of this Part to allow any vehicle to remain in a parking space in excess of the time purchased consistent herewith or to remain parked when no payment was made, if required by this Part. Every sixty minutes that a vehicle remains parked in violation hereof shall constitute a separate violation of this Part.

- D. Lines and/or markings shall be painted or placed upon the surface of the parking lots, for the purpose of delineating the parking space to be used. Every vehicle shall be parked wholly within the lines or markings so placed. It shall be unlawful and a violation of this Part for any person:
- (1) To park a vehicle across any such line or marking.
  - (2) To park a vehicle in such a position that the vehicle shall not be within the area so delineated by the lines or markings.
  - (3) To park a vehicle elsewhere in any such lot than in an individual parking space.
- E. It shall be unlawful for any person to park a vehicle other than with the front of the vehicle nearest to and touching the tire block at the end of the space.
- F. Passenger cars, passenger vans and pickup trucks only may be in parked in these lots, and the parking of any other type of vehicle shall be unlawful.
- G. Metered parking shall be in effect daily from 6:00am until 2:00am.

§ 605. **Parking Rates.** Parking rates shall be established and amended from time to time by resolution of Council.

**Part 2. Permit Parking**

§ 606 **General Permit Parking Lots Established.** Except for those periods authorized by Article 1 for metered parking, the following are established as permit parking lots only at all times:

<b>Lot</b>	<b>Location</b>
Park & Shop Lot	South side of High Street and west side of Charlotte Street, north of Queen Street
Reading Lot	West side of Hanover Street between the Reading Railroad tracks and South Street.
Evans (west)	Situate on the west side of Evan Street between High Street and King Street
Lessig	Situate on the east side of Evan Street between High Street and King Street
King Street Lot	South side of King Street between Evans Street and Charlotte Street
Trinity Lot	North side of King Street at 219-221

§ 607

**Permits.**

- A. The monthly rate for parking permit shall be established and amended from time to time by resolution of Council. Rental for a partial month will be prorated at the monthly rate. No refunds for an unused portion of a month will be made. The Borough Manager, or other authorized agent, shall procure and to sell monthly parking permits in the applicable quantities for the permit lots. The Borough Manager is authorized to promulgate procedures for administration not in conflict with this Part.
- B. The valid parking permit shall always hang from the interior rear-view mirror of a vehicle while the vehicle is parked in a permit lot space.

§ 608

**Exemption from Metering Requirements and Restrictions.** Holding and displaying a valid permit while parked in a permit lot shall exempt the operator of the parked vehicle from any hour, registration, payment, and rate requirements and restrictions contained in Article 1 which may otherwise be applicable to the parked vehicles; provided, however, that all other requirements and restrictions remain applicable to parked vehicles.

**Article 3. Enforcement**

§ 609

**Ticketing of Vehicles Parked Unlawfully; Penalty for Violation.**

- A. It shall be the duty of the police officers, their duly authorized agents, and expressly designated parking enforcement personnel of the Borough, acting in accordance with the direction of the Chief of Police, to report:
  - (1) The number of each space that indicates that a vehicle occupying the appropriate parking space is, or has been, parked in violation of any provision of this Part.
  - (2) The date and hour of the violation.
  - (3) The license number of the vehicle.
  - (4) Any other facts, the knowledge of which is necessary for a thorough understanding of the circumstances attending the violation.
- B. Every such police officer, their duly authorized agents, and expressly authorized parking enforcement personnel/designees of the Borough, shall place upon such vehicle a notice to the owner or operator thereof that such vehicle was parked in violation of the provisions of this Part and instructing such owner or operator that if he or she shall report to the police headquarters of the Borough of Pottstown and pay, for the use of the Borough, the sum of \$20



within 20 days after the time of such notice, the same shall save the violator from prosecution. The failure of such owner or operator to make said payment within 20 days, as herein provided, shall then render the owner or operator subject to the penalties hereinafter provided in § 609(C) for violation of the provisions of this Part.

- C. Any person who violates any provision of this Article, with the exception of § 602(C), and who fails to pay the fine set forth in § 609(B), shall be cited within 20 days of the violation and, upon conviction, be sentenced to pay a fine of not more than \$20 and costs of prosecution and, in default of said fine and costs, to undergo imprisonment for not more than five days.

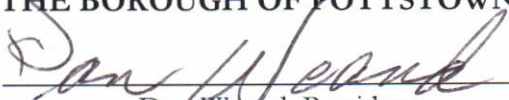
**SECTION 5.** If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any part of the remaining provisions, sentences, clauses, sections, or parts of this ordinance. It is hereby declared as the intent of the Burgess and Town Council of the Borough of Pottstown that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof, had not been included herein.

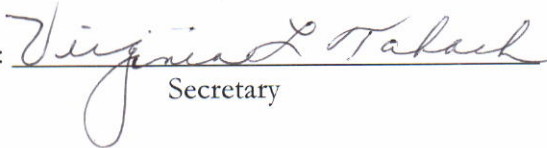
**SECTION 6.** In all other respects the remaining provisions of Chapter 15, Motor Vehicles and Traffic, of the Code of Ordinances of the Borough of Pottstown, as amended, to the extent not inconsistent herewith, are hereby reenacted and reordained.

**SECTION 7.** This ordinance shall become effective immediately upon enactment.


ENACTED and ORDAINED this 11<sup>th</sup> day of MARCH, 2019.

**THE BURGESS AND TOWN COUNCIL  
OF THE BOROUGH OF POTTSTOWN**

BY:   
Dan Weand, President

ATTEST:   
Secretary

Approved this 11<sup>th</sup> day of  
MARCH, 2019.

  
Mayor

My commission expires: 1/1/2022